

**REMARKS**

This responds to the Office Action mailed on February 16, 2005. Claims 1, 5, 12, 21, 24, 28 and 32 are amended, no claims are canceled, and no claims are added. Thus, claims 1-34 remain pending in this application. Applicant submits that no new matter is added with this amendment, and that support is provided at least at page 29 line 13 to page 30 line 10 of the specification.

**§101 Rejection of the Claims**

Claims 1-2, 21-34 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses. 35 USC §101 states:

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title. (Emphasis added).*

Applicant asserts that claims 1-2 and 21-34 are directed to a method for delivery of targeted commercial messages, and that these claims, as presently-pending, are directed to a new and useful process which is statutory subject matter. Additionally, MPEP §2106, which addresses Patentable Subject Matter for Computer-Related Inventions, indicates that claims should be treated like any other process claims. Applicant notes that the rejection does not assert that the claimed subject matter does not satisfy the utility requirement (See MPEP §2107).

The rejection states: *process claims 1-2 and 21-34 do not recite the use of “the technological arts”. None of the steps indicate use of a computer or technology.* Applicant disagrees. Historically, method claims have been allowed without reciting a computer because new and useful processes are patentable subject matter.

The rejection further states: *The steps of assembling profiles, developing and applying selection criteria to identify messages, presenting to a display unit [such as a hoarding sign] could be performed manually by people. Therefore, the claims are directed towards non-statutory subject matter.* Applicant disagrees. The recited method is a new and useful process, and is statutory under 35 USC §101 regardless of whether the steps could be performed manually by people. Furthermore, Applicant notes that the rejection indicates that the steps could be

performed manually by people, and does not indicate that steps have been performed manually by people. If the Examiner's position is that the steps have been performed previously, Applicant respectfully submits that the issue is not an issue of statutory subject matter under §101, and requests the Examiner to provide reference(s) in support of the position and make the appropriate rejection(s) under §102 and/or §103 using the reference(s).

The Examiner is invited to call Applicant's below-named attorney at (612) 373-6901 to resolve any concerns the Examiner has regarding these claims.

**§102 Rejection of the Claims**

Claims 1-10, 12-16, 18-34 were rejected under 35 U.S.C. § 102(e) for anticipation by Herz (US 6,460,036 B1). Applicant respectfully traverses. Herz states:

At any time after database entry for Pseudonym P is established, the user U may provide proxy server S2 with credentials on that pseudonym, provided by third parties, which credentials make certain assertions about that pseudonym. The proxy server may verify those credentials and make appropriate modifications to the user's profile as required by these credentials such as recording the user's new demographic status as an adult. It may also store those credentials, so that it can present them to service providers on the user's behalf. (col. 37 line 64 to col. 38 line 4).

In Herz, credentials represent facts about a pseudonym that an organization is willing to certify (col. 35 line 54-55). Herz further indicates that credentials may not be feasibly forged by the user (col. 36 line 37) and refers to a resolution credential and other credentials that can be used to provide assurances (col. 36 lines 23-44).

Applicant respectfully submits that the user provides the credential (facts certified by 3rd party) to the proxy server, and that the verification performed by the proxy server on the credentials is a verification that the credential is a valid credential. If the credential is determined to be valid, the proxy server accepts the credential and updates the user's profile. Applicant cannot find a showing or a fair suggestion in Herz that the proxy server uses verified information to identify discrepancies in the purchaser-supplied information.

With respect to claim 1, Applicant is unable to find, among other things, in the cited portions of Herz, a method for delivery of targeted commercial messages, comprising, among other things, assembling a plurality of potential purchaser profiles which include purchaser

supplied information and further include verified information to supplement and identify discrepancies in the purchaser-supplied information for presentation to at least one potential advertiser of goods or services, as recited in the claim. Claims 2-4 depend on claim 1, and are believed to be in condition for allowance at least for the reasons provided above with respect to claim 1.

With respect to claim 5, Applicant is unable to find, among other things, in the cited portions of Herz, a method for delivery of targeted commercial messages, comprising, among other things, assembling a plurality of potential purchaser profiles in an electronic file for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers, where the plurality of potential purchaser profiles including both purchaser-supplied information and verified information to supplement and identify discrepancies in the purchaser-supplied information, as recited in the claim. Claims 6-10 depend on claim 5, and are believed to be in condition for allowance at least for the reasons provided above with respect to claim 5.

With respect to claim 12, Applicant is unable to find, among other things, in the cited portions of Herz, an apparatus for delivery of targeted commercial messages, comprising, among other things, programs to assemble a plurality of potential purchaser profiles in an electronic file for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers, where the plurality of potential purchaser profiles includes both purchaser-supplied information and verified information to supplement and identify discrepancies in the purchaser-supplied information, as recited in the claim. Claims 13-16 and 18-20 depend on claim 12, and are believed to be in condition for allowance at least for the reasons provided above with respect to claim 12.

With respect to claim 21, Applicant is unable to find, among other things, in the cited portions of Herz, a method for delivery of targeted commercial messages, comprising, among other things, assembling a plurality of potential purchaser profiles based purchaser-supplied information and at least in part on information not directly supplied by the purchasers to identify discrepancies in the purchaser-supplied information, the profiles being assembled for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers. Claims 22-23 depend on claim 21, and are

believed to be in condition for allowance at least for the reasons provided above with respect to claim 21.

With respect to claim 24, Applicant is unable to find, among other things, in the cited portions of Herz, a method for delivery of targeted commercial messages, comprising, among other things, assembling a plurality of potential purchaser profiles based on information from the potential purchasers and on verified information from at least one other source for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers, where assembling the plurality of potential purchaser profiles includes using the verified information to identify discrepancies in the information from the potential purchasers, as recited in the claim. Claims 25-27 depend on claim 24, and are believed to be in condition for allowance at least for the reasons provided above with respect to claim 24.

With respect to claim 28, Applicant is unable to find, among other things, in the cited portions of Herz, a method for delivery of targeted commercial messages, comprising, among other things, adding information not directly supplied by the purchasers to the purchaser profiles to identify discrepancies in the purchaser-supplied information, where the potential purchaser profiles for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers, as recited in the claim. Claims 29-31 depend on claim 28, and are believed to be in condition for allowance at least for the reasons provided above with respect to claim 28.

With respect to claim 32, Applicant is unable to find, among other things, in the cited portions of Herz, a method for delivery of targeted commercial messages, comprising, among other things, assembling a plurality of potential purchaser profiles for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers, the plurality of potential purchaser profiles including both purchaser-supplied information and verified information to supplement and identify discrepancies in the purchaser-supplied information, as recited in the claim. Claims 33-34 depend on claim 32, and are believed to be in condition for allowance at least for the reasons provided above with respect to claim 32.

Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 1-10, 12-16, 18-34.

§103 Rejection of the Claims

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Goldhaber et al. (US 5,794,210). Applicant respectfully traverses. Claim 11 depends on claim 5, and is believed to be in condition for allowance at least for the reasons provided with respect to claim 5. Applicant respectfully submits that the combination of Goldhaber et al. with Herz neither show nor suggests a method for delivery of targeted commercial messages, comprising, among other things, assembling a plurality of potential purchaser profiles in an electronic file for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers, where the plurality of potential purchaser profiles including both purchaser-supplied information and verified information to supplement and identify discrepancies in the purchaser-supplied information, as recited in claim 5. Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claim 11.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Eldering et al. (US 6,684,194). Applicant respectfully traverses. Claim 17 depends on claim 12, and is believed to be in condition for allowance at least for the reasons provided with respect to claim 12. Applicant respectfully submits that the combination of Goldhaber et al. with Herz neither show nor suggests an apparatus for delivery of targeted commercial messages, comprising, among other things, programs to assemble a plurality of potential purchaser profiles in an electronic file for presentation to at least one potential advertiser of goods or services applicable to a substantial portion of the plurality of potential purchasers, the plurality of potential purchaser profiles including both purchaser-supplied information and verified information to supplement and identify discrepancies in the purchaser-supplied information, as recited in claim 12. Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claim 17.

*Reservation of the Right to Swear Behind References*

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Micheal L. Schwegman at (612) 373-6901 or Applicant's attorney Marvin L. Beekman (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 8-16-05

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of August, 2005.

CANDIS BUENDING

Name

Signature

*Anne Bawdy*